AC-13-000-3651

MARK UDALL
COLORADO

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WASHINGTON, DC 20510
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United States Senate

WASHINGTON, DC 20510

March 5, 2013

Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460-0001

Dear Congressional Liaison,

Enclosed please find a letter from my constituent concerning permitting for the discharge of water used in hydraulic fracturing. I would appreciate it if you would respond to the constituent's concerns in an expeditious manner and in accordance with all applicable laws and regulations.

Please direct any correspondence concerning this inquiry to the constituent at:

[redacted]
Boulder, CO. 80309

Please also send a copy of your letter to my office at:

Sen. Mark Udall
SH-328
Washington, DC 20510
Attention: Dan Fenn

Thank you for your assistance.

Sincerely,

Mark Udall

Mark E. Udall
U.S. Senator

U.S. Senator Mark Udall

FEB 11 2013

Denver

Boulder, CO 80309

Colorado Senator
999 18th Street,
Suite 1525, North Tower
Denver, CO 80202

Dear Senator Udall,

I recently sent a similar letter to EPA Administrator and the EPA Regional Director, Lisa Jackson and Jim Martin. I am writing in hopes that you may address some of my concerns regarding the permitting and regulatory process involved with hydraulic fracking. I know that the EPA is in a precarious position as it struggles to balance the needs of struggling state economies with their mission to protect human health and the environment, but ultimately the EPA is not tasked with propping up economies. It is the EPA's job to make sure that all industries and economies are operating without detriment to human or environmental health.

Some of my concerns are in regard to the NPDES permits for surface water. I grew up on the East coast living in Pennsylvania, Maryland, and Massachusetts, and it is my understanding that oil and gas facilities are not allowed to discharge produced water to the surface. But I am currently a resident and concerned citizen living in Colorado. I've worked in Wyoming and currently in Montana on Indian reservations; I recently became aware to the fact that fracking discharges are allowed for discharge in western states.

This was brought to my attention a couple months ago through a NPR story that claimed well wastewater is discharged to feed the local livestock on the Wind River Reservation. Livestock contamination is almost scarier than water contamination because the livestock is not a food source for only the reservation; the livestock is integrated into our food supply and potentially distributed outside of Wyoming.

I was finally motivated to write when I saw that the BLM is now analyzing a 9,000 well natural gas drilling project near Wamsutter, WY. If oil and gas exploration is going to continue to grow, I want assurances that it is growing in a manner that's not negatively affecting human health.

- What is the EPA doing to ensure that the chemicals involved with fracking are not entering the water and food supply? Specifically, what is the EPA doing in Western states where the regulations seem to be more lax than on the East.
- What chemicals and in what concentrations are they being discharged from oil and gas permits? What is the effect of these chemicals on our aquatic ecosystems and human health?
- What is the frequency that discharge of flowback from fracking will enter an intake for a public drinking water? How are other western states managing for the potential that flowback may enter public drinking water intakes?

Most importantly, how do NPDES permits regulate potential toxins discharged to the surface? I would assume these permits are issued with full understanding of all the pollutants and toxins that may be associated with the discharge, but the NPR story seems to indicate that permits are being issued without a full grasp on this issue. It seems like the fundamental methods of drilling have changed since the original NPDES permits were first issued. Is there targeted monitoring to measure impacts to water quality in our rivers directly after fracking events?

I hope that you can convince me that you have a handle on water quality and the externalities associated with fracking. I will also be sending similar letters to both of my senators in Colorado and Wyoming.

Sincerely,

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 2 9 2013

OFFICE OF WATER

The Honorable Mark Udall
United States Senate
Washington, D. C. 20510

Dear Senator Udall:

Thank you for your letter of March 5, 2013, forwarding correspondence from your constituent, Exp.6, concerning permitting for the discharge of water used in hydraulic fracturing. Enclosed for your information is a copy of my response to Mr. Exp.6

If you have any further questions, please contact me or your staff may call Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at 202-564-6969.

Sincerely,

Ellen Gilinsky

for Nancy K. Stoner
Acting Assistant Administrator

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 17 2013

OFFICE OF WATER

Boulder, Colorado 80301

Dear Mr

Thank you for your February 11, 2013, letter to the U.S. Environmental Protection Agency (EPA) expressing your concerns regarding permitting and regulatory requirements for wastewater generated from hydraulic fracturing, and the potential impacts to human health and the environment.

Concern about potential environmental risk associated with new drilling techniques and hydraulic fracturing has understandably grown as the level of activity has significantly increased over the past decade. Concurrently, the EPA has worked to improve our understanding of potential environmental impacts that could be associated with the practice of hydraulic fracturing and ways in which current regulations can best be implemented to protect human health and the environment. In that regard, the EPA's Office of Wastewater Management has provided information to the EPA Regions and to state permitting authorities to assist them in understanding potential issues related to wastewater discharge permitting under the Clean Water Act. For more information on that effort see:
http://www.epa.gov/npdes/pubs/hydrofracturing_faq_memo.pdf

The EPA also understands the concern regarding the potential impacts of chemicals used in hydraulic fracturing as well as risks to surface and groundwater drinking water sources. In an effort to get a better understanding of the impacts of those issues, the EPA began a multi-year study of the potential impacts of hydraulic fracturing on drinking water sources. A current progress report on the study includes a list of chemicals that have been reportedly used in hydraulic fracturing fluids or detected in hydraulic fracturing wastewater. The EPA has limited information on the concentrations of chemicals being used in hydraulic fracturing and is currently reviewing this data. For more information on the study and progress made to date, please see: http://www.epa.gov/hfstudy/pdfs/hf-report20121214.pdf. In addition to evaluating the potential impacts of hydraulic fracturing on drinking water resources, the Agency has identified research areas related to hydraulic fracturing operations that are not within the scope of the current study. These areas include potential impacts on air quality and ecosystems as well as seismic and occupational risks. The EPA is compiling available information on the chemical, physical and toxicological properties of hydraulic fracturing-related chemicals (i.e., those found in injected fluids and/or wastewater).

The Department of Interior's Bureau of Land Management (BLM), has proposed a regulation entitled: "*Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands.*" The EPA believes BLM's proposed regulatory changes will implement measures that will assure that oil and natural gas production can proceed in a safe and responsible manner while maintaining the integrity of the environment on Federal and Indian lands. Understanding and preventing potential environmental impacts is a high priority for our agency, particularly in view of the fact that the EPA is responsible for overseeing state programs and in some cases directly carrying out regulatory programs under federal statutes such as the Safe Drinking Water Act (SDWA) and the CWA. Please understand that BLM's approval of oil and gas production wells is not under the EPA's purview. The proposed regulation can be found at: https://www.federalregister.gov/articles/2012/05/11/2012-11304/oil-and-gas-well-stimulation-including-hydraulic-fracturing-on-federal-and-indian-lands#h-8

The Oil and Gas Extraction Point Source Effluent Guidelines and Standards, issued in 1979, include an Agricultural and Wildlife Water Use beneficial subcategory, which is in part based on the long term western practice of using good quality produced water for agriculture or wildlife propagation when discharged into navigable waters. We are committed to coordinating closely with the Tribes to ensure effluent guidelines are incorporated into National Pollutant Discharge Elimination System (NPDES) permits that are technically sound and include conditions necessary to protect surface water usage, including: wildlife; livestock; and other agriculture uses.

Under the SDWA, public drinking water systems on Indian reservations must meet federal drinking water standards. Routine monitoring of the drinking water systems are conducted to monitor compliance with the standards. The SDWA also protects the quality of underground sources of drinking water through the Underground Injection Control Program and the Source Water Assessment Program. Both programs seek to minimize the opportunity for pollutants to enter waters that are currently used, or may be used in the future, for drinking water. Additionally, through the NPDES permitting program we protect drinking water sources by ensuring that limits and conditions in permits ensure that the receiving water uses, such as drinking water supply, are met.

In short, the EPA is working to ensure that regulatory requirements are being implemented through appropriate authority to prevent potential impacts from hydraulic fracturing operations. Again, I thank you for interest in protecting human health and the environment.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator